

House Bill 3110

Sponsored by Representative WHISNANT, Senator BOQUIST

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires State Fish and Wildlife Commission to establish incentive program to increase compliance with mandatory hunting reporting requirements.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to hunting; creating new provisions; amending ORS 496.146; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 496.146 is amended to read:

5 496.146. In addition to any other duties or powers provided by law, the State Fish and Wildlife
6 Commission:

7 (1) May accept, from whatever source, appropriations, gifts or grants of money or other property
8 for the purposes of wildlife management, and use such money or property for wildlife management
9 purposes.

10 (2) May sell or exchange property owned by the state and used for wildlife management pur-
11 poses when the commission determines that such sale or exchange would be advantageous to the
12 state wildlife policy and management programs.

13 (3) May acquire, introduce, propagate and stock wildlife species in such manner as the com-
14 mission determines will carry out the state wildlife policy and management programs.

15 (4) May by rule authorize the issuance of such licenses, tags and permits for angling, taking,
16 hunting and trapping and may prescribe such tagging and sealing procedures as the commission
17 determines necessary to carry out the provisions of the wildlife laws or to obtain information for
18 use in wildlife management. Permits issued pursuant to this subsection may include special hunting
19 permits for a person and immediate family members of the person to hunt on land owned by that
20 person in areas where permits for deer or elk are limited by quota. As used in this subsection,
21 "immediate family members" means husband, wife, father, mother, brothers, sisters, sons, daughters,
22 stepchildren and grandchildren. A landowner who is qualified to receive landowner preference tags
23 from the commission may request two additional tags for providing public access and two additional
24 tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with
25 supporting evidence that the access is significant and the habitat programs benefit wildlife. The
26 board may recommend that the commission grant the request. When a landowner is qualified under
27 landowner preference rules adopted by the commission and receives a controlled hunt tag for that
28 unit or a landowner preference tag for the landowner's property and does not use the tag during the
29 regular season, the landowner may use that tag to take an antlerless animal, when approved by the
30 State Department of Fish and Wildlife, to alleviate damage that is presently occurring to the
31 landowner's property.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (5) May by rule prescribe procedures requiring the holder of any license, tag or permit issued
2 pursuant to the wildlife laws to keep records and make reports concerning the time, manner and
3 place of taking wildlife, the quantities taken and such other information as the commission deter-
4 mines necessary for proper enforcement of the wildlife laws or to obtain information for use in
5 wildlife management.

6 (6) May establish special hunting and angling areas or seasons in which only persons less than
7 18 years of age or over 65 years of age are permitted to hunt or angle.

8 (7) May acquire by purchase, lease, agreement or gift real property and all appropriate interests
9 therein for wildlife management and wildlife-oriented recreation purposes.

10 (8) May acquire by purchase, lease, agreement, gift, exercise of eminent domain or otherwise
11 real property and all interests therein and establish, operate and maintain thereon public hunting
12 areas.

13 (9) May establish and develop wildlife refuge and management areas and prescribe rules gov-
14 erning the use of such areas and the use of wildlife refuge and management areas established and
15 developed pursuant to any other provision of law.

16 (10) May by rule prescribe fees for licenses, tags, permits and applications issued or required
17 pursuant to the wildlife laws, and user charges for angling, hunting or other recreational uses of
18 lands owned or managed by the commission, unless such fees or user charges are otherwise pre-
19 scribed by law. Except for licenses issued pursuant to subsection (14) of this section, no fee or user
20 charge prescribed by the commission pursuant to this subsection shall exceed \$100.

21 (11) May enter into contracts with any person or governmental agency for the development and
22 encouragement of wildlife research and management programs and projects.

23 (12) May perform such acts as may be necessary for the establishment and implementation of
24 cooperative wildlife management programs with agencies of the federal government.

25 (13) May offer and pay rewards for the arrest and conviction of any person who has violated
26 any of the wildlife laws. No such reward shall exceed \$100 for any one arrest and conviction.

27 (14) May by rule prescribe fees for falconry licenses issued pursuant to the wildlife laws, unless
28 such fees are otherwise prescribed by law. Fees prescribed by the commission pursuant to this sub-
29 section shall be based on actual or projected costs of administering falconry regulations and shall
30 not exceed \$250.

31 (15) May establish special fishing and hunting seasons and bag limits applicable only to persons
32 with disabilities.

33 (16) May adopt optimum populations for deer and elk consistent with ORS 496.012. These popu-
34 lation levels shall be reviewed at least once every five years.

35 (17) Shall establish a preference system so that individuals who are unsuccessful in controlled
36 hunt permit drawings for deer and elk hunting have reasonable assurance of success in those
37 drawings in subsequent years. In establishing the preference system, the commission shall consider
38 giving additional preference points to persons who have been issued a resident pioneer hunting li-
39 cense pursuant to ORS 497.102.

40 (18) May sell advertising in State Department of Fish and Wildlife publications, including annual
41 hunting and angling regulation publications.

42 (19) May, notwithstanding the fees required by ORS 497.112, provide free hunting tags to an
43 organization that sponsors hunting trips for terminally ill children.

44 (20) Shall, after consultation with the State Department of Agriculture, adopt rules prohibiting
45 the use of the World Wide Web, other Internet protocols or broadcast or closed circuit media to

1 remotely control a weapon for the purpose of hunting any game bird, wildlife, game mammal or
 2 other mammal. The rules may exempt the State Department of Fish and Wildlife or agents of the
 3 department from the prohibition.

4 (21) May adopt rules establishing a schedule of civil penalties, not to exceed \$6,500 per vio-
 5 lation, for violations of provisions of the wildlife laws or rules adopted by the commission under the
 6 wildlife laws. Civil penalties established under this subsection must be imposed in the manner pro-
 7 vided by ORS 183.745 and must be deposited in the State Wildlife Fund established under ORS
 8 496.300.

9 (22) *[May]* **Shall** by rule *[impose a surcharge not to exceed \$25 for the renewal of a hunting license*
 10 *on any person who fails to comply]* **establish an incentive program to increase compliance** with
 11 mandatory hunting reporting requirements. *[Amounts collected as surcharges under this subsection*
 12 *must be deposited in the State Wildlife Fund established under ORS 496.300.]* **As part of the pro-**
 13 **gram established by the commission under this subsection, the commission shall give a**
 14 **preference point to a person for every _____ reports submitted by that person.**

15 **SECTION 2.** (1) Except as provided in subsection (2) of this section, the amendments to
 16 ORS 496.146 by section 1 of this 2013 Act become operative on January 1, 2014.

17 (2) The State Fish and Wildlife Commission may adopt rules or take any other action
 18 before the operative date specified in subsection (1) of this section that is necessary to im-
 19 plement, on and after the operative date specified in subsection (1) of this section, the
 20 amendments to ORS 496.146 by section 1 of this 2013 Act.

21 (3) The amendments to ORS 496.146 by section 1 of this 2013 Act apply to reporting taking
 22 place on or after the operative date specified in subsection (1) of this section.

23 **SECTION 3.** This 2013 Act being necessary for the immediate preservation of the public
 24 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
 25 on its passage.

26 _____